

**COUNTY OF KAUAI**

Minutes of Meeting

**OPEN SESSION**

Board/Commission	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>May 17, 2018</b>
Location	Mo'ikeha Building, Liquor Control Conference Room 3	Start of Meeting: 4:00 p.m.	End of Meeting: 4:15 p.m.
Present	Chair William Gibson; Members: Shirley Akita, Gerald Matsunaga, Gary Pacheco Also: Liquor Control Staff: Director Gerald Rapozo, Private Secretary Cherisse Zaima; Deputy County Attorney Cameron Takamura		
Excused	Vice Chair Paul Endo, Maryanne Kusaka, Jean Iida		
Absent			

SUBJECT	DISCUSSION	ACTION
<b>Call To Order</b>		Chair Gibson called the meeting to order at 4:00 p.m. with 4 members present, constituting a quorum.
<b>Roll Call</b>	Director Rapozo called roll, noting 4 members were present.	
<b>Approval of Agenda</b>		Mr. Matsunaga moved to approve the agenda. Mr. Pacheco seconded the motion. Motion carried 4:0.
<b>Approval of Minutes</b>	<u>APPROVAL OF MEETING MINUTES:</u> Open Session minutes of May 3, 2018	Ms. Akita moved to approve the Open Session minutes of May 3, 2018. Mr. Pacheco seconded the motion. Motion carried 4:0.
<b>1.</b>	<u>VIOLATION HEARING:</u>  <u>PASTA PARAISO:</u> Violation of Rule 7.8 Manager on Duty, qualifications.  Mr. Miguel Balderas, Manager, was present to represent the licensee; no counsel. The licensee admitted to the charges.  Mr. Balderas explained that it was a busy night, and he needed to get some ice. He left to purchase ice at a store just a block away, so he decided to quickly run over to pick up ice. As he was out getting the ice, he saw the investigator and immediately returned. He had been previously told that a	

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	<p>registered manager with a blue card needed to be on the premises at all times, so he understood why he was receiving the violation.</p> <p>Commissioner Matsunaga referenced the violation report, pointing out that the report states that Investigator Herman had warned Mr. Balderas about this just a week before. Mr. Balderas stated that at the time he received the first warning, there were no customers present in the establishment, so he was allowed to be outside at that time. He understands the reason for the violation.</p>	<p>Mr. Matsunaga moved that a fine of \$500 be imposed with \$250 suspended providing there is no conviction of a similar offense within 1-year. Mr. Pacheco seconded the motion. Motion carried 4:0.</p>
<p>2.</p>	<p><u>PUBLIC HEARING:</u></p> <p><u>ASSOCIATION OF APARTMENT OWNERS OF TK RESORT CONDOMINIUM:</u> Application No. 2018-076 filed on March 5, 2018 by Association of Apartment Owners of TK Resort Condominium dba Same for a New Hotel license at 3770 Ala 'Oli Way, Līhu'e, Kauai, Hawaii.</p> <p>Mr. Gary Siracusa, Director of Construction, and Mr. Eric Cucchi, General Manager were present to represent the applicant.</p> <p>The department did not receive any letters in support or in opposition to the application.</p> <p>Mr. Cucchi stated their Loss Prevention team is headed by Mr. Dean Pigao, who is also on the police force at Kauai Police Department, who assists in ensuring all practices and procedures are in place.</p> <p>Commissioner Akita asked when they anticipate opening to which Mr. Cucchi replied June 1.</p>	

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	The public hearing on Application No. 2018-076 was closed.	Ms. Akita moved to approve Application No. 2018-076. Mr. Matsunaga seconded the motion. Motion carried 4:0.
3.	<p><u>DIRECTOR’S REPORTS:</u></p> <p>a) <u>INVESTIGATOR’S REPORTS:</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <ul style="list-style-type: none"> <li>(1) From Jackson Family Wines, Inc</li> <li>(2) From Avid Marketing Group</li> <li>(3) From Sweepstakes Consulting</li> <li>(4) From Craft Brew Alliance</li> <li>(5) From MHW, Ltd</li> <li>(6) From Strike &amp; Techel</li> <li>(7) Disturbance Reports from Rob’s Good Times Grill, and Opakapaka Grill and Bar</li> </ul> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <ul style="list-style-type: none"> <li>(1) To Jackson Family Wines</li> <li>(2) To Avid Marketing Group</li> <li>(3) To Craft Brew Alliance</li> <li>(4) To MHW, Ltd</li> <li>(5) To Strike &amp; Techel</li> </ul> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u> Managers and Assistant Managers – See Attachment “A”</p>	

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	<p>e) <u>ACTIONS OF THE DIRECTOR:</u></p> <ul style="list-style-type: none"> <li>(1) BEACH HOUSE RESTAURANT</li> <li>(2) KILOHANA</li> <li>(3) LAVA LAVA BEACH CLUB</li> <li>(4) MERRIMAN'S KAUAI</li> <li>(5) 7-11 HANAMAULU</li> <li>(6) 7-11 LAWAI</li> <li>(7) THE WINE SHOP</li> <li>(8) PACO'S TACOS</li> <li>(9) NATURAL BRIDGES SCHOOL</li> <li>(10) ROTARY CLUB OF KAPAA</li> <li>(11) KAUAI CHAMBER OF COMMERCE</li> <li>(12) KAUAI CHAMBER OF COMMERCE</li> </ul> <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>Mr. Pacheco moved to accept items 3(a) through 3(f). Mr. Matsunaga seconded the motion. Motion carried 4:0.</p>
4.	<p><u>VIOLATION REPORTS:</u></p> <p><u>KAPAA TEXACO:</u> Violation of Rule 3.1 Posting of license and availability of rules and regulations and liquor laws of the State of Hawaii.</p>	<p>Ms. Akita moved to call licensee for Violation Hearing. Mr. Matsunaga seconded the motion. Motion carried 4:0.</p>
5.	<p><u>CHANGE IN CORPORATE OFFICERS:</u></p> <p><u>KAWAILOA DEVELOPMENT LLP:</u> <u>TAK Hawaii, Inc.:</u> Removal of Yoshiya Toyama as Auditor; Election of Hidetaka Hashimoto as Inspector. <u>TAK Development, Inc.:</u> Removal of Yoshiya Toyama as Inspector; Election of Hidetaka Hashimoto as Inspector.</p>	<p>Ms. Akita moved to accept the change in corporate officers. Mr. Pacheco seconded the</p>

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		motion. Motion carried 4:0.
6.	<p><b><u>REQUEST FOR PERMANENT INCREASE OF PREMISES:</u></b></p> <p><b><u>KILOHANA:</u></b> Request for permanent increase of premises to include two (2) tasting areas along the Kauai Safaris tour route (Exhibits A and B), as well as within the tour vehicles (Exhibit C) while traveling between the two tasting areas, per letter and diagrams submitted.</p> <p>Mr. Fred Atkins, and Mr. Nick Atkins were present to represent the licensee.</p> <p>Commissioner Matsunaga reference the Investigators Report, noting it states the train ride takes approximately 40 minutes, and asked how long the safari ride will last. Mr. Atkins replied it will be approximately 2 hours.</p> <p>Commissioner Matsunaga then asked of that time, how much time will be spent in the sampling areas to which Mr. Atkins stated a total of approximately 35 – 40 minutes split up between the two stops.</p> <p>Commissioner Matsunaga asked what the hours of operation will be to which Mr. Atkins explained the first tour will depart between 11:00 and 11:30, and the last tour will return to the main front area before dark. The actual tour times will also depend on the time of the year, and with the times of the luau and dinner at Gaylord’s; there will not be any tours after sunset.</p> <p>Commissioner Matsunaga referenced the transport vehicles being used on the tour and asked whether there will be alcohol served in the vehicles themselves, or only at the sample area locations. Mr. Fred Atkins stated that liquor will not be served on the vehicles, and explained that there may be liquor consumption in the vehicle between the first and second tasting areas, but no alcohol will be present from the second tasting area to the area of return.</p>	<p>Mr. Pacheco moved to approve the request for permanent increase of premises. Mr. Matsunaga seconded the motion. Motion</p>

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		carried 4:0.
7.	<p><u>PERMANENT DECREASE OF PREMISES:</u></p> <p><u>TORTILLA REPUBLIC:</u> Request for permanent decrease of premises to exclude the upstairs area.</p> <p>Director Rapozo explained this decrease will allow Kiawe Roots to apply for a new liquor license in that space.</p>	Ms. Akita moved to approve the permanent decrease of premises. Mr. Pacheco seconded the motion. Motion carried 4:0.
8.	<p><u>TRANSFER LIQUOR LICENSE:</u></p> <p><u>MONICO'S TAQUERIA:</u> Application No. 2018-094 was filed on May 4, 2018 for a transfer of Restaurant General License No. 2G-038 from J Ann B Restaurants LLC dba Wahooo Seafood Grill &amp; Bar to Monico's Taqueria, LLC dba Monico's Taqueria located at 4-733 Kūhi'ō Highway, Kapaa, Kauai, Hawaii.</p>	Mr. Pacheco moved to accept Application No. 2018-094 for publication and public hearing. Ms. Akita seconded the motion. Motion carried 4:0.
9.	<p><u>NEW LIQUOR LICENSE:</u></p> <p>a) <u>CHICKEN IN A BARREL:</u> Application No. 2018-095 was filed on May 7, 2018 by Barrel and BBQ, LLC dba Chicken In A Barrel Plantation Hideaways for a New Restaurant General (live music and dancing) license at 9400 Kaumuali'i Highway, Waimea, Kauai, Hawaii.</p>	Ms. Akita moved to accept Application No. 2018-095 for publication and public hearing. Mr. Pacheco seconded the motion. Motion carried 4:0.
	<p>b) <u>KIAWE ROOTS:</u> Application No. 2018-096 was filed on May 9, 2018 by The Sugar Mill LLC dba Kiawe Roots for a New Restaurant General (live music and dancing) license at 2829 Ala Kalanikaumaka Street, Suite 205, Kōloa, Kauai, Hawaii.</p>	Ms. Akita moved to accept Application No. 2018-096 for publication and public hearing. Mr. Pacheco seconded the motion. Motion

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		carried 4:0.
<b>10.</b>	<b><u>TEMPORARY LIQUOR LICENSE:</u></b>  <b><u>KIAWE ROOTS:</u></b> Application No. 2018-097 was filed on May 9, 2018 by The Sugar Mill LLC dba Kiawe Roots for a temporary liquor license to operate a Restaurant General license at 2829 Ala Kalanikaumaka Street, Suite 205, Kōloa, Kauai, Hawaii.	Ms. Akita moved to approve the temporary liquor license. Mr. Pacheco seconded the motion. Motion carried 4:0.
<b>Announcements</b>	Next Scheduled Meeting: Thursday, June 7, 2018 – 4:00 p.m., Mo’ikeha Building, Meeting Room #3.	
<b>Adjournment</b>		Chair Gibson adjourned the meeting at 4:20 p.m.

Submitted by: \_\_\_\_\_  
Cherisse Zaima, Private Secretary

Reviewed and Approved by: \_\_\_\_\_  
William Gibson, Chair

( ) Approved as circulated.

( ) Approved with amendments. See minutes of \_\_\_\_\_ meeting.